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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.541 OF 2004

Kendriya Rajaswas Bhavan....Appellant

Vs.

M/s.Arvind Advertising & Selling Agencies Pvt. Ltd..Respondents

Mrs. P.P. Bhosale with Mr. B.M,. Chatterjee and Mr. Parag Vyas i/b. Pankaj Kapoor for the Appellant.

CORAM: F.I. REBELLO &
J.P.DEVADHAR,JJ.
DATED: 23RD JULY,2007

. The question of law as urged was as under:-

"1. Whether on the facts and in the circumstances of the case and in law the Hon'ble Tribunal was justified in dismissing the Revenue's Appeal and upholding the order of CIT (A) confirming the penalty of Rs.7,15,790/- levied by the Assessing Officer under Section 271(1)(c)?

2. On behalf of the Appellant learned Counsel states that the issue is covered by the judgment reported in 289 ITR 83 against the Department and in favour of the Assessee. In the light of that there is no merit in this Appeal, which is accordingly disposed of.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**